

Appl. No. : 10/074,633  
Filed : February 11, 2002

REMARKS

Amendments to the Claims

Applicant respectfully requests entry of the Amendments to the Claims set forth above. The Office Action mailed July 9, 2004 ("Office Action") indicated that Claims 3-5 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicant respectfully submits that Claims 1-35 are patentable without amendment. To reduce prosecution costs, however, Claim 1 has now been amended as suggested by the Office to incorporate the limitations previously recited in allowable Claim 3 and intervening Claim 2. Claims 2 and 3 have been canceled without prejudice, and Claims 19-35 have been canceled without prejudice as having been withdrawn from consideration. Allowable Claim 4 has been rewritten as new Claim 36, and allowable Claim 5 has been rewritten as Claim 37. New Claims 36 and 37 are readable upon elected Species I. M.P.E.P. § 809.02(a).

Applicant respectfully requests entry of the above Amendment to the Claims and issuance of a Notice of Allowance with respect to Claims 1, 4-18, and 36-37.

Applicant reserves the right to file divisional and or continuation applications containing claims directed to all or part of the subject matter described in the instant application, including the subject matter of any claims amended, withdrawn, or canceled at any time during the prosecution of this application, and thus unclaimed subject matter is not dedicated to the public.

Information Disclosure Statements (IDS's)

Applicant acknowledges receipt of initialed copies of the PTO-1449 forms submitted to the Office with the IDS submissions mailed May 6, 2003; August 19, 2003; October 16, 2003; December 11, 2003; and April 7, 2004.

Applicant respectfully requests an initialed copy of both pages of the PTO-1449 form submitted to the Office with the IDS submission mailed May 8, 2002. According to PAIR, both pages of that PTO-1449 form were received by the Office on May 13, 2002, but the initialed copy of that form received by Applicant was incomplete (page 1 of 2 missing).

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, and 6-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over what the Office refers to as Applicant's admitted prior art (AAPA) of this application in

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combination with U.S. Patent No. 6,090,666 ("Ueda") or U.S. Patent Publication No. 2002/0173130 ("Pomarede") or U.S. Patent Publication No. 2004/0115953 ("Yamazaki"). Applicant respectfully traverses this rejection on the basis that the Office has failed to establish a *prima facie* case of obviousness. Applicant does not acquiesce to the Office's characterization of the cited materials (AAPA, Ueda, Pomarede, Yamazaki) as prior art.

In addition, Applicant respectfully submits that this rejection is moot in view of the Amendment to the Claims set forth above and the previous indication of allowable subject matter by the Office. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

In view of the Amendments to the Claims and accompanying Remarks set forth above, Applicant respectfully submits that this application is in condition for allowance, early notification of which would be appreciated. The Office is respectfully invited to contact the undersigned at the telephone number provided below with any questions regarding this application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2004

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AMEND  
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